

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL DOCKET NO.: 5:03CR48**

UNITED STATES OF AMERICA

vs.

BRUNO INIGUEZ-VILLAVICENCIO (4),

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant's *pro se* "Motion to Strike Surplusage from Indictment," filed August 29, 2005. In this Motion, Defendant asks the Court to strike from the Bill of Indictment the alias of "Jose Cruz," which the Government alleges has been used by Defendant.


On May 4, 2005, Defendant pled guilty to Count One in the Superceding Bill of Indictment, which charged Defendant with conspiracy to possess with intent to distribute cocaine and methamphetamine, in violation of 21 U.S.C. § 846. Defendant has not yet been sentenced in this matter.

Notably, at all relevant times, Defendant has been represented by counsel. However, Defendant filed the instant Motion *pro se*. Since Defendant has an attorney, he is not permitted to file motions with this Court unless they are submitted by his attorney. Consequently, Defendant's Motion is not properly before this Court.

IT IS, THEREFORE, ORDERED that Defendant's "Motion to Strike Surplusage from Indictment," is hereby **DENIED**.

The Clerk is ordered to send copies of this Order to Defendant, defense counsel, and the United States Attorney.

Signed: October 12, 2005

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

